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**UNITED STATES DISTRICT COURT**

**DISTRICT OF OREGON**

**PORTLAND DIVISION**

GARY ODOM

Plaintiff and Counterclaim-  
Defendant,

vs.

MICROSOFT CORPORATION

Defendant and Counterclaim  
Plaintiff.

Case No. 3:09-CV-230-MO

**PLAINTIFF GARY ODOM'S  
MOTION FOR RECONSIDERATION OF  
THE COURT'S ADOPTED CLAIM  
CONSTRUCTION**

**PLAINTIFF GARY ODOM'S MOTION FOR RECONSIDERATION OF THE  
COURT'S ADOPTED CLAIM CONSTRUCTION**

In response to the Court's September 21, 2009 adoption of certain claim constructions (Doc. No. 90), plaintiff Gary Odom ("Plaintiff") respectfully requests that this Court reconsider

its constructions with respect to the terms “toolbar”, “tool group” and “tool”. In support of its request, Plaintiff respectfully submits this Motion for Reconsideration and its supporting Memorandum, and further incorporates by reference the arguments made in its Opening and Responsive Claim Construction Briefing, and in the September 21, 2009 *Markman* hearing, to the extent they are not specifically incorporated in the Memorandum.

Dated: **October 6, 2009**

/s/ Edward W. Goldstein

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